

Application No. 10/724,251

46ER48A

**REMARKS**

Claims 1 to 17 and 27 to 41 are pending. This Amendment cancels claims 18 and 26 without prejudice or disclaimer.

Allowance of claim 28 and the indication of allowability of claim 26 are noted and appreciated.

Claims 29 to 41 were rejected under 35 U.S.C. §112, first paragraph. The Office Action states that recitations in these claims are "not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention," specifically as follows:

The Office Action states that "Claims 29-34 refer to unlimited air which was not described...." These claims have been amended to delete "unlimited air" to overcome this basis of rejection.

The Office Action states that "Claims 31-34 refer to filtering which was not described...." However, "filtering" is described in specification paragraphs [0026], [0028], [0029], and [0032]. This basis of rejection should be withdrawn.

The Office Action states that "Claim 32 refers to 2500 to 2000 which was not described ...." Claim 32 has been amended to properly recite -2500 to 3000-, which is described in specification paragraph [0029].

The Office Action states that "Claim 33 refers to 8 to 14 % which was not described ...." However, 8 to 14 % is described in specification paragraphs [0029]. This basis of rejection should be withdrawn.

The Office Action states that "Claim 34 refers to 20 to 30 % which was not described ...." However, 20 to 30 % is described in specification paragraph [0030]. This basis of rejection should be withdrawn.

The Office Action states that "Claim 35 [and assumedly dependent claim 37]

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refers to recovering the mercury from the fly ash which was not described ....” However, “recovering the mercury from the fly ash” is described in specification paragraphs [0016] and [0017] in describing element 24 of the drawings. This basis of rejection should be withdrawn.

The Office Action states that “Claim 36 refers to increasing the percentage of enhanced carbon by combusting a feed fuel to produce said increased percentage which was not described ....” However, “increasing the percentage of enhanced carbon by combusting a feed fuel” is described in specification paragraphs [0030] to [0033]. This basis of rejection should be withdrawn.

The Office Action states that “Claim 38 refers to (LOI) from 5 to 15 % which was not described ....” However, “(LOI) from 5 to 15 %” is described in specification paragraph [0041]. This basis of rejection should be withdrawn.

The Office Action states that “Claim 39 refers to identifying a fuel which was not described ....” However, “identifying a fuel” is described in specification paragraphs [0023] to [0033] and in the TABLE. This basis of rejection should be withdrawn.

The Office Action states that “Claim 40 refers to selecting a fuel which was not described ....” However, “selecting a fuel” is described in specification paragraphs [0023] to [0033] and in TABLE 1. This basis of rejection should be withdrawn.

The Office Action states that “Claim 41 refers to 0 to 90 percent and 0 to 15 percent which was not described ....” However, “selecting a fuel” is described in specification paragraphs [0036] to [0039] and in FIG. 4. This basis of rejection should be withdrawn.

For the above reasons, the rejection of claims 29 to 41 under 35 U.S.C. §112, first paragraph, should be withdrawn

Claims 1 to 7, 13 to 17 and 27 were rejected under 35 U.S.C. §102(b) over: Gibbs et al., claims 1 and 5 to 7 were rejected under 35 U.S.C. §102(b) over Knowles and claims 8 to 12 were rejected under 35 U.S.C. §103(a) over Gibb et al.

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Claim 26 was indicated to be allowable "if rewritten in independent form including all of the limitations of the base claim [claim 1] and any intervening claims [none]. " Claim 26 has been rewritten as independent claim 1 with the limitations of base claim 1. Hence, claim 26 should be allowable. Claims 2 to 17 and 27 depend from claim 1 and should be allowable for the same reasons as amended claim 1. Hence, the rejections of claims 1 to 7, 13 to 17 and 27 under 35 U.S.C. §102(b) over Gibbs et al., claims 1 and 5 to 7 under 35 U.S.C. §102(b) over Knowles and claims 8 to 12 under 35 U.S.C. §103(a) over Gibb et al. should be withdrawn.

In view of the foregoing amendments and remarks, reconsideration and allowance of claims 1 to 17 and 27 to 41 are respectfully requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Philip D. Freedman  
Reg. No. 24,163  
Philip D. Freedman PC  
Customer Number 25101  
P.O. Box 19076  
Alexandria, Virginia 22320  
(703) 313-0171  
Email: tekesq@tekesq.com

Alexandria, Virginia  
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